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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,423	05/23/2001	Michael Bourbeau		3867
75	590 07/30/2003			
Matthew J. Peirce, Esq.			EXAMINER	
1550 Starlight (Las Vegas, NV	Canyon Avenue 89123		NGUYEN	I, CHI Q
			ART UNIT	PAPER NUMBER
			3635	
			DATE MAILED: 07/30/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

1	Application No.	Applicant(s)				
•	09/864,423	BOURBEAU, MICHAEL				
← Office Action Summary	Examiner	Art Unit				
	Chi Q Nguyen	3635				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period who failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on 15 M	<u>flay 2003</u> .					
	s action is non-final.	·				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 1-8 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-8</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or Application Papers	election requirement.					
9) The specification is objected to by the Examine	r.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11)⊠ The proposed drawing correction filed on <u>24 October 2002</u> is: a)⊠ approved b)□ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12)☐ The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
 Certified copies of the priority documents have been received. 						
2. Certified copies of the priority documents have been received in Application No						
 3. Copies of the certified copies of the prior application from the International But * See the attached detailed Office action for a list 	reau (PCT Rule 17.2(a)).					
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal I	(PTO-413) Paper No(s) Patent Application (PTO-152)				

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DETAILED ACTION

This Office action is response to the applicant's amendment filed on 5/15/03.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-5, and 7-8, the phrase "would or would be" frequently used by the applicant render(s) the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toll (US 3,941,159).

Toll teaches insulation assembly for a tubular conduit pipe comprising a cover 16 having a length, a width, first 20, second 22 sides, first 24, second 26 edges. The cover 16 is formed of material 18 of urethane foam or other suitable material (col. 2, lines 25-30)

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being wrapped around pipe 12 and secured by removably fastener means 38 are hookand-loop 40, 42 disposed at the edges 24, 26 of the first and the second sections. (See figs. 1-3, cols. 2-3).

Toll does not disclose specifically the cover having a thickness of at least ½", the length would be approximately 8' and the width would be approximately 11.5".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the thickness of at least ½", length 8', and width 11.5", since it has been held that where the general conditions of a claim are discloses in the prior art, discovering the optimum or working ranges involves only routine skill in the art. The motivation for doing so would have been to provide the insulation for the entire length of the pipe, thus giving protection from exposing to the severe temperature.

Response to Arguments

5. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113. L

7/15/03

Supervisory Patent Examiner

Group 3600